

*Memorandum*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRAVE BULK TRANSPORT, LTD., :

07 CV 4546 (CM)

Plaintiff, :

v. :

SPOT ON SHIPPING LTD., a.k.a SPOT ON  
SHIPPING LTD. BVI., a.k.a. SPOT ON,  
a.k.a. CLAYTON STAR COMPANY LIMITED :  
a.k.a. CLAYTON STAR and PEHW ASSET  
MANAGEMENT LIMITED a.k.a. PEHW :  
ASSET MANAGEMENT LTD. :  
and ZHANGGANG SHIPPING LIMITED, :

**STIPULATION  
AND ORDER FOR  
SUBSTITUTION  
OF COUNSEL**

Defendants. :  
-----X

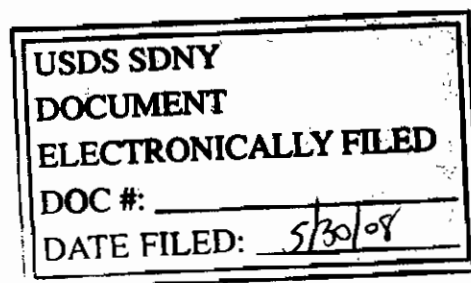
IT IS HEREBY STIPULATED AND AGREED, by and between the parties, that Defendant Zhanggang Shipping Ltd. substitutes CHALOS, O'CONNOR & DUFFY LLP, counsel and attorney of record in this matter.

MAHONEY & KEANE, Defendant Zhanggang Shipping Ltd.'s former counsel and no longer its attorney in this matter, has details as follows:

Edward Keane and Garth Wolfson  
Mahoney & Keane, LLP  
76 Beaver Street, 10<sup>th</sup> Floor  
New York, New York 10005  
(P) 212-385-1422 / (F) 212-385-1605  
Email: [ekeane@mahoneykeane.com](mailto:ekeane@mahoneykeane.com)  
[gwolfson@mahoneykeane.com](mailto:gwolfson@mahoneykeane.com)

CHALOS, O'CONNOR & DUFFY, LLP, is Defendant Zhanggang Shipping Ltd.'s new counsel in this matter and new attorney of record on whom all notices and papers may be served, with contact details as follows:

Eugene J. O'Connor and Timothy Semenoro  
366 Main Street  
Port Washington, New York 11050  
(P) 516-767-3600 / (F) 516-767-3605  
Email: [eoconnor@codus-law.com](mailto:eoconnor@codus-law.com)  
[tsemenoro@codus-law.com](mailto:tsemenoro@codus-law.com)



The undersigned consent to the substitution and certify that this substitution will not delay the proceedings in this matter.

Dated: May 28, 2008

Zhanggang Shipping Ltd.

By: Jinglu Zhang  
Zhang Jinglu

Mahoney & Keane, LLP

By: Edward A. Keane  
Edward A. Keane

Dated: 5/29/08

CHALOS, O'CONNOR & DUFFY, LLP

By: Eugene J. O'Connor  
Eugene J. O'Connor  
366 Main Street  
Port Washington, New York 11050  
(P) 516-767-3600  
(F) 516-767-3605  
Email: [ecannon@codus-law.com](mailto:ecannon@codus-law.com)  
[lsenenoro@codus-law.com](mailto:lsenenoro@codus-law.com)  
Attorneys for Zhanggang Shipping Ltd.

SO ORDERED

Dated: 5/30/08

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

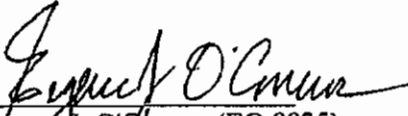
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BRAVE BULK TRANSPORT, LTD.,	:	07 CV 4546 (CM)
	:	
Plaintiff,	:	
	:	
v.	:	<b>AFFIDAVIT IN</b>
	:	<b>SUPPORT OF</b>
SPOT ON SHIPPING LTD., a.k.a SPOT ON	:	<b>SUBSTITUTION</b>
SHIPPING LTD. BVL, a.k.a. SPOT ON,	:	<b>OF COUNSEL</b>
a.k.a. CLAYTON STAR COMPANY LIMITED	:	<b>PURSUANT TO</b>
a.k.a. CLAYTON STAR and PEHW ASSET	:	<b>LOCAL CIVIL</b>
MANAGEMENT LIMITED a.k.a. PEHW	:	<b><u>RULE 1.4</u></b>
ASSET MANAGEMENT LTD.	:	
and ZHANGGANG SHIPPING LIMITED,	:	
	:	
Defendants.	:	
-----X		

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF NASSAU )

EUGENE J. O'CONNOR, being duly sworn, deposes and says:

1. I am a member of the law firm Chalos, O'Connor & Duffy, LLP, the newly appointed attorneys for the defendant ZHANGGANG SHIPPING LIMITED, admitted to practice before this Honorable Court, and fully familiar with the facts hereinafter set forth.
2. I submit this affidavit in support of the Stipulation and Order for Substitution of Counsel and pursuant to Local Civil Rule 1.4 for the United States District Court for the Southern District of New York.
3. In accordance with this Court's Memorandum Order, dated May 13, 2008, defendant ZHANGGANG SHIPPING LIMITED has appointed the law firm of Chalos, O'Connor & Duffy, LLP, as substitute counsel for the law firm of MAHONEY & KEANE. A copy of this May 13, 2008 Memorandum Order, Docket entry #41, is annexed hereto.
4. For the forgoing reasons, I respectfully request that the Stipulation and Order for Substitution of Counsel be accepted by the Court and granted.

Dated: Port Washington, New York  
May 29, 2008

  
Eugene J. O'Connor (EO 9925)

Sworn to before me this  
29<sup>th</sup> day of May, 2008

  
Notary Public

TIMOTHY SEMENORO  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02SE6112804  
QUALIFIED IN NASSAU COUNTY  
COMMISSION EXPIRES JULY 12, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
BRAVE BULK TRANSPORT LTD.,

Plaintiff,

-against-

07 Civ. 4546 (CM)

SPOT ON SHIPPING LTD., et al.,

Defendants.  
\_\_\_\_\_

MEMORANDUM ORDER

McMahon, J.:

(1) The motion by defendant Zhanggang Shipping Limited to dismiss the verfield second amended complaint is denied.

(2) At the present time, Zhanggang is in default on numerous discovery obligations. Its counsel of record has asked to be relieved, and, indeed, is claiming to have been fired and prohibited from carrying out the duties of counsel in connection with this lawsuit. I have received nothing directly from Zhanggang in response to the motion.

As a corporation, Zhanggang must appear through counsel, so the court is reluctant to grant a motion to relieve counsel that will place a corporate defendant in technical default. Defendant Zhanggang has thirty days from today's date to notify the court, in writing, whether it consents to the withdrawal of counsel, and if so, to appear by another attorney. If Zhanggang does not consent to the motion, it must explain why the situation does not warrant relief. If Zhanggang does not comply with this order, I will assume that its silence, coupled with its default on outstanding discovery obligations, means that it does not intend to contest this action, and I will enter a default judgment against it. Moving counsel must notify their client immediately of the court's order.

Dated: May 13, 2008



\_\_\_\_\_  
U.S.D.J.

